



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Grimes, et al.
 Serial No. : 10/813,336
 Filed : March 29, 2004
 For : GASTRIN HORMONE IMMUNOASSAYS
 Examiner : Christine E. Foster
 Group Art Unit : 1641

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to: Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450

<u>Algis Anilionis, Ph.D.</u>	<u>36.995</u>
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Signature	Date of Signature

**Mail Stop Amendment
 Commissioner for Patents
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 P.O. Box 1450
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DECLARATION CONCERNING BIOLOGICAL DEPOSITS

Sir:

This Declaration Concerning Biological Deposits is submitted in connection with the above-captioned application.

I, John M. McCafferty, declare the following:

- I. Biological deposits of the following hybridomas were made with the American Type Culture Collection (ATCC, Manassas, VA) on March 25, 2004:
1. Hybridoma 400-1 producing MAb 400-1, assigned ATCC accession number PTA-5889.
 2. Hybridoma 400-2 producing MAb 400-2, assigned ATCC accession number PTA-5890.
 3. Hybridoma 400-3 producing MAb 400-3, assigned ATCC accession number PTA-5891.
 4. Hybridoma 400-4 producing MAb 400-4, assigned ATCC accession number PTA-5892.
 5. Hybridoma 401-2 producing MAb 401-2, assigned ATCC accession number PTA-5893.
 6. Hybridoma 445-1 producing MAb 445-1, assigned ATCC accession number PTA-5894.
 7. Hybridoma 445-2 producing MAb 445-2, assigned ATCC accession number PTA-5895.
 8. Hybridoma 458-1 producing MAb 458-1, assigned ATCC accession number PTA-5896.
- II. A Receipt for the above deposits is attached as Exhibit A.
- III. The Hybridoma deposits, PTA-5889, PTA-5890, PTA-5891, PTA-5892, PTA-5893, PTA-5894, PTA-5895, and PTA-5896, were made under the terms of the Budapest Treaty in connection with US Patent Application Serial No. 10/813,336 filed March 29, 2004, and co-filed US Provisional Patent Application Serial No. 60/557,759, the benefit

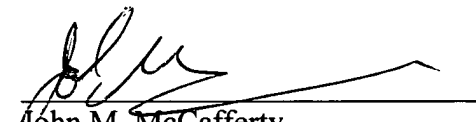
of which is claimed by US Patent Application Serial No. 11/093,724 filed March 29, 2005.

- IV. The Hybridoma deposits, PTA-5889, PTA-5890, PTA-5891, PTA-5892, PTA-5893, PTA-5894, PTA-5895, and PTA-5896, will be irrevocably and without restriction released to the public upon issuance of a patent from any of the above-listed applications, or any Continuation, Continuation-in-part or Divisional application therefrom.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the applications or any patent issued thereon.

Dated: 27 FEB 2006

Respectfully submitted,


John M. McCafferty
Vice President and
Corporate Counsel
Apton Corporation

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.**

To: (Name and Address of Depositor or Attorney)

Apton Corporation
Attn: Stephen Grimes
26 Harter Avenue
Suite 14
Woodland, CA 95776

Deposited on Behalf of: Apton Corporation

Identification Reference by Depositor:

Mouse Hybridoma Cell Line: 400-1
Mouse Hybridoma Cell Line: 400-2
Mouse Hybridoma Cell Line: 400-3
Mouse Hybridoma Cell Line: 400-4
Mouse Hybridoma Cell Line: 401-2
Mouse Hybridoma Cell Line: 445-1
Mouse Hybridoma Cell Line: 445-2
Mouse Hybridoma Cell Line: 458-1

Patent Deposit Designation

PTA-5889
PTA-5890
PTA-5891
PTA-5892
PTA-5893
PTA-5894
PTA-5895
PTA-5896

The deposits were accompanied by: a scientific description, a proposed taxonomic description indicated above. The deposits were received March 25, 2004 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested April 9, 2004. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: May 5, 2004

cc: Dimitrios Drivas